



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,710	07/25/2000	Tetsuro Motoyama	5244-0130-2	2720

22850 7590 11/28/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SHAW, JOSEPH D

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,710

Applicant(s)

MOTOYAMA ET AL.

Examiner

Joseph D Shaw

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11,13,14,16-21,23,24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11,13,14,16-21,23,24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-4, 6-8, 11, 13-14, 16-18, 21, 23-24, and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Levi et al. (6,477,667).

a. As per claim 1, 11, and 21, Levi teaches a system for remote device monitoring comprising: an operations center (Figure 1) with listening process (receiver) that listens for alerts relating to operating parameters (device state, device event) of a device (abstract; col. 14, lines 33-35); a storage of a web page containing an alert log (history of device state and device event) and asset history listing hardware changes (service history) (Figure 8; col. 4, lines 61-66; col. 17, lines 63-67; col. 18, lines 1-4); retrieving information associated with the alert and validating the device identifier and license identifier (analyzing device event/state) (col. 15, lines 21-27); transmitting the

alert info to a contact of an alert (service depot) (col. 1, lines 31-34; col. 15, lines 24-38), wherein the contact repairman is coupled to the operations center via Internet (Wide Area Network) (col. 2, lines 38-40); and the service depot transmitting the at least one of a maintenance request and repair request to the remotely located device over the WAN (when the technician believes the problem is resolved, the user of the remotely located devices is notified via electronic mail; col. 17, lines 6-16).

b. As per claim 3, 13, and 23, Levi discloses the claimed invention as described above and furthermore teaches the Internet as Wide Area Network (col. 2, lines 38-40).

c. As per claim 4, 14, and 24, Levi discloses the claimed invention described above and furthermore teaches a technical administrator and/or technician (service depot) accessing the web page (transmitter) that contains device information including service history as described above (col. 17, lines 34-37; col. 18, lines 1-4).

d. As per claim 6, 16, and 26, Levi discloses the claimed invention described above and furthermore teaches a vital signs process (configuration receiver) where the operations center receives and stores device information (cols. 8-10).

e. As per claims 7-8, 17-18, and 27-28, Levi discloses the claimed invention described above and furthermore teaches the device being a server, printer (office machines), or any other of a plurality of electronic devices having simple or advanced data processing capabilities and operating parameters (printer, fax, or scanner).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 19, 20, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi et al. (6,477,667) in view of Othmer et al. (6,167,358).

f. As per claims 9-10, 19-20, and 29-30, Levi discloses the claimed invention described above. However, Levi does not explicitly teach the monitored device comprising of a mobile unit, in particular an automobile. Othmer teaches a system for remotely monitoring machines including automobiles (col. 6, lines 26-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include monitoring automobiles as taught by Othmer in the system of Levi because monitoring such machines would allow for the detection of defects and malfunctions as taught by Othmer (col. 4, lines 19-23; lines 33-34).

Response to Arguments

6. Applicant's arguments filed October 29th, 2003 have been fully considered but they are not persuasive.

g. In regards to the applicant's argument of claim 1 (and the analogous claims 11 and 21) that the Levi patent does not disclose a service depot, the Examiner would like to point out that the service personnel is interpreted as the service depot. In Figure 3B of the applicant's disclosure, the service depot is represented by a computer system with an interface unit, CPU, and memory.

The Examiner points out that in the Levi invention, service personnel can be contacted via electronic mail, necessitating a computer system, with an interface unit, CPU, and memory, be located at the service depot. Consequently, since Levi teaches the independent claims, all other grounds of rejection for dependent claims still stand.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

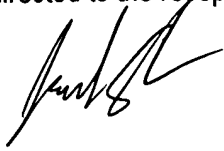
h. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Shaw whose telephone number is 703-305-0094. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 4:00 PM, and on alternate Fridays.

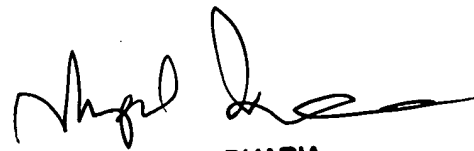
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2141

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.



Joseph Shaw
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER